

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 6966 of 1999

to

FIRST APPEAL No 7035 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI
and
Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

MANIBHAI DHARAMABHAI PATEL

Appearance:

MR KG SHETH, AGP for Petitioners

CORAM : MR.JUSTICE M.H.KADRI
and
MR.JUSTICE C.K.BUCH

Date of decision: 24/04/2000

COMMON JUDGEMENT (PER : M.H.KADRI, J)

1. Appellants filed these appeals under Section 54 of the Land Acquisition Act, 1894 read with Section 96 of the Code of Civil Procedure, 1908, against common judgment and award dated 1st May, 1999 rendered by the learned Assistant Judge, Sabarkantha at Himmatnagar in Land Reference Cases Nos. 3628/89 to 3697/89. As common questions of facts and law arise for our consideration, we propose to dispose of all these appeals by this common judgment.

2. Lands of the respondents along with superstructure came to be acquired for the public purpose of Vatrak Jalagar Yojana by a notification issued under sec.4(1) of the Act which came to be published on 12th May, 1981. After following usual procedure, Land Acq. Officer made his award under sec.11 of the Act on 28th June, 1983 and offered compensation at the rate of Rs. 2.00 per sq.mt. for the house site land and Rs.1300-00 per sq.mt. for RCC super-structure and Rs.1100-00 per sq.mt. for bricks, cement work and Rs.900-00 per sq.mt. for brick soil work. The claimants were of the opinion that the compensation offered by the Land Acquisition Officer was inadequate. Therefore, they submitted applications in writing under Section 18 of the Act requiring the Land Acquisition Officer to refer the applications to the Court for determination of adequate compensation. Accordingly, references were made to the District Court, Sabarkantha at Himmatnagar, which were numbered as Land Reference Cases Nos. 3628/89 to 3697/89. All the land reference cases came to be consolidated and the parties led common evidence in Land Reference Case No.3654/89.

3. Before the Reference Court also, the claimants as well as acquiring body led oral as well as documentary evidence and the Reference Court, after appreciating the evidence produced before it, determined market value of house site land at the rate of Rs.20/ per sq.mt. and further awarded 25% additional compensation for the superstructure standing on the acquired lands over and above the compensation awarded by the Land Acq. Officer, which has given rise of filing these appeals by the appellants.

4. Bare reading of the schedule attached to the common judgment and award makes it abundantly clear that in all reference cases, the claim of the compensation awarded by the Reference Court do not exceed Rs. 15,000/-. It is the consistent practice which is followed by various Division Benches of this Court that wherein

claim involved in the Land Reference Cases is less than Rs.30,000/, appeal should be dismissed on the ground that it involves petty claim. The lands along with superstructure of the appellants came to be compulsorily acquired for the public purpose of Vatrak Jalagar Yojna. If these appeals are admitted and kept for final hearing, it would cause great hardship and financial loss to the claimants because they will have to incur expenses of engaging advocate and other miscellaneous expenses. Therefore, these appeals require to be dismissed on the ground of petty claim alone. We, however, make it clear that we have not gone into the merits or de-merits of the References filed by the claimants and this judgment will not be cited as a precedent for the similar appeals filed for the determination of the market value of the acquired lands arising from the very acquisition of Vatrak Jalagar Yojna.

5. As a result of foregoing discussion, First Appeal Nos. 6966/99 to 7035/99 are hereby dismissed. No order as to costs.

24.4.2000 [M.H.KADRI, J]

[C.K. BUCH, J]

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